REMARKS

In response to the Office Action mailed June 2, 2006, Applicant respectfully requests reconsideration. Claims 1-20 were previously pending in this application. Claims 1, 8, 10, 11, 13-15, and 17-19 have been amended. As a result, claims 1-20 are pending for examination, with claims 1, 8, 13, and 17 being independent claims.

Outline numbering has been added to claims 1, 8, 10, 11, 13-15 and 17-19. This change is for improved readability and is not intended to alter the scope of the claims.

No new matter has been added.

Brief Overview of the Disclosure and Reference

The following is provided for the Examiner's benefit as a brief overview of the disclosure of the pending application and the Wisecup reference cited in the office action. It is not meant to characterize the claims or language used in the claims, nor is it intended as a substitute for the Examiner reading the application and the reference in their entireties.

The application describes a method and apparatus for testing a networked system for scalability. A networked system that operates on many client computers can be difficult to test because performance of the networked system may vary based on the number of clients in the system. Creating a testing lab to simulate hundreds or thousands of clients, however, can be prohibited by cost or space.

The present application describes a test system that simulates many clients with one computer (Paragraph 35) and, therefore, is able to easily and efficiently test the scalability of a networked system. The test system can be implemented using a computer with a hard disk that is partitioned into several bootable parts. Each bootable part contains an instance of client software used in the networked system. The computer operates from the bootable partitions at different times according to a schedule and simulates the operation of many different clients.

Each bootable partition also contains components used in administering the test. One example of a test administration component given in the application is called a "launcher." The launcher in a partition can execute if its partition is booted. When the launcher runs, it determines whether, according to the schedule, the computer should be operating from that partition. If not, the launcher can start up a different bootable partition on the same computer that should be running (Paragraph 38).

In contrast, the Wisecup reference describes a system that recovers from errors. This type of system can be useful in cases where the Basic Input Output System (BIOS) of a computer is being upgraded (col. 5, lines 15-27). The computer stores different versions of the BIOS in FLASH images, which are also described as "bootable partitions" (col. 2, lines 7-17). Information in these bootable partitions is used to set operational parameters of a processor as it starts up (col. 2, line 66 – col. 3, line 5).

As described in Wisecup, if a computer system is unable to startup using information from a primary partition, the system responds by starting up using parameters representing a stored configuration that is known to have operated correctly in the past (col. 2, lines 20-26). More specifically, Wisecup describes that a computer using its error recovery system includes an Automatic System Recovery (ASR) circuit 10 (see, FIG. 1). As part of a processor start up routine, a timer within the ASR circuit is started. During normal operation, the timer is periodically reset (col. 2, lines 45-47). If the timer times out before an operating system is booted and sets a COMPLETED flag (see col. 3, lines 45-46), the ASR circuit initiates recovery/reset operations (col. 4, lines 25-28) that involve reverting to a known good BIOS image (col. 2, lines 24-28).

Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1, 2, 8, 13 and 17 under 35 U.S.C. §102(b) as being anticipated by Wisecup, U.S. Patent No. 6,165,532. Applicants respectfully disagree. The error recovery system is Wisecup is different in structure and function than the test system of the present application. These differences are reflected in the claims and Wisecup does not teach or suggest all limitations of the claims.

As to claim 1, Wisecup does not teach or suggest "a bootable system within each of the bootable partitions" containing "an instance of the distributed application" and "a launcher for ... causing another bootable system ... to boot if the bootable system is not scheduled to be running." Neither the ASR circuit or any other component described in Wisecup can be considered to be a launcher as claimed. The ASR circuit is used for error recovery when the processor cannot be booted and could not function if it were a part of the bootable system being booted. Thus, Wisecup does not teach or suggest every limitation of the claim and the rejection of claim 1 should be withdrawn.

As to claim 8, Wisecup does not teach "causing, with at least one component of the selected bootable partition, execution of a boot next routine to cause the selected one of the bootable partitions to shut down and to cause another bootable partition of the same test computer to boot." As described above, the system of Wisecup performs recovery/reset operations when a computer does not boot properly. These operations are performed by an ASR circuit that is not a component of a selected bootable partition. Therefore, the reference does not teach or suggest all limitations of the claim and the rejection of claim 8 should be withdrawn.

As to claim 13, Wisecup does not teach "a boot next routine to cause the selected one of the bootable partitions to shut down and to cause another bootable partition of the same test computer to boot, the boot next routine comprising a portion of the selected bootable partition." As described above, the system of Wisecup performs recovery/reset operations when a computer does not boot properly. These operations are performed by an ASR circuit that cannot be interpreted as a boot next routine that is part of a selected bootable partition. Therefore, the reference does not teach or suggest all limitations of the claim and the rejection of claim 13 should be withdrawn.

As to claim 17, Wisecup does not teach "using a component of the selected bootable partition to cause execution of a boot next routine to cause the selected one of the bootable partitions to shut down and another bootable partition of the same test computer to boot." As described above, the system of Wisecup performs recovery/reset operations when a computer does not boot properly. These operations are performed by an ASR circuit that is not a component of a selected bootable partition. Therefore, the reference does not teach or suggest all limitations of the claim and the rejection of claim 17 should be withdrawn.

Accordingly, each of the independent claims contains at least one limitation not shown or suggested in Wisecup and the rejection of claims 1, 8, 13, and 17 under 35 U.S.C. §102 should be withdrawn. All of the remaining claims depend, directly or indirectly, from one of the independent claims. Accordingly, the rejection of the dependent claims should be withdrawn for at least the reasons given above.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: 9-1-06

Respectfully submitted,

By: _____

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